

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TYRONE ROGERS,

Plaintiff,

vs.

G.J. GIURBINO, et al.,

Defendants.

CASE NO. 11-CV-560-IEG (RBB)

ORDER:

**1. ADOPTING REPORT AND
RECOMMENDATION;**

[Doc No. 67]

**2. DENYING MOTION FOR
DEFAULT JUDGMENT**

[Doc. No. 44]

Before the Court is Magistrate Judge Ruben B. Brooks's Report and Recommendation ("R & R"), [Doc. No. 67], recommending that the Court deny Plaintiff's motion for default judgment, [Doc. No. 44]. The deadline for filing objections thereto passed October 19, 2012. [See Doc. No. 67 at 40.]


The Court reviews *de novo* those portions of the R & R to which objections are made, and may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). However, "[t]he statute makes it clear that the district judge must review the magistrate judge's findings and recommendations *de novo* if objection is made, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original). "Neither the Constitution nor the statute requires a district judge to review, *de novo*, findings and recommendations that the parties themselves accept as correct." *Id.*

Here, the deadline for objections passed over a month ago without any objections being filed, and thus the Court may adopt the R & R on that basis alone. *See id.* Having reviewed and

finding sound Magistrate Judge Brooks's R & R, the Court approves and **ADOPTS IN FULL** the
1 R & R. *See* 28 U.S.C. § 636(b)(1). Thus, Plaintiff's motion for default judgment is hereby
2 **DENIED.**

3 **IT IS SO ORDERED.**

4 **DATED:** December 18, 2012


5 **IRMA E. GONZALEZ**
6 **United States District Judge**